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WARNER-LAMBERT COMPANY
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In re Application of AIROLDI et al
U.S. Application No.: 10/588,808
PCT Application No.: PCT/EP03/05261
Int. Filing Date: 04 June 2003
Priority Date Claimed: 17 June 2002
Attorney Docket No.: PC27270A
For: PHARMACEUTICAL SALTS OF
REBOXETINE

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 08 August 2006.

BACKGROUND

On 04 June 2003, applicant filed international application PCT/EP03/05261, which claimed priority of an earlier European Patent Office application filed 17 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 17 December 2004.

International application PCT/EP03/05261 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 June 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 August 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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